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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,982	07/21/2003	Walter F. Rausch	1607a	5527
28004	7590	11/16/2004	EXAMINER ALEMU, EPHREM	
SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			ART UNIT 2821	PAPER NUMBER

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,982

Applicant(s)

RAUSCH, WALTER F.

Examiner

Ephrem Alemu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11-19-03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Specification***

1. The continuation application filed on 7-21-03 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Claim 4 recites the limitation "further comprising a second communication interface configured to transfer the antenna system command to the communication network for delivery to the first communication interface" in lines 1-3. However, the recited limitation has no support in the specification as originally filed.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 4 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 4 recites the limitation "further comprising a second communication interface configured to transfer the antenna system command to the communication network for delivery to the first communication interface" in lines 1-3. However, the recited limitation has no support in the specification as originally filed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Singer et al. (US 6,239,744).

Re claim 1, Singer discloses an antenna system (Fig. 1) comprising:

a first antenna (i.e., at least one antenna 10) (Figs. 1,2,4,5);

a first communication interface (i.e., modem/interface 505) configured to receive an antenna system command from a communication network (Fig. 1-5; Col. 5, lines 60-67);

a controller (i.e., micro-controller 501 included in main controller 50) operatively coupled to the first communication interface (i.e., interface 503 and/or modem/interface 505) and configured to process the antenna system command to generate a motor control signal (Figs. 1-5; Col. 2, lines 27-41; Col. 3, lines 38-54; Col. 5, lines 22-33); and

a motor (i.e., antenna controller 40 including motor or driver assembly 20) operatively coupled to the controller (micro-controller 501 included in main controller 50) and to the first antenna (i.e., at least one antenna 10) and configured to process the

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motor control signal to move the first antenna from a first position to a second position (Figs. 1-5; Col. 2, lines 27-41; Col. 3, lines 40-54; Col. 7, lines 7-44).

Re claims 2 and 3, Singer further discloses the first communication interface (i.e., modem/interface 505) is configured to receive another antenna system command (i.e., sending commands) from the communication network and to transfer an antenna system response (i.e., reading data from antenna controller 40 including motor or driver assembly 20) to the communication network (Col. 3, line 19- Col. 4, line 44); and

the controller (micro-controller 501 included in main controller 50) is configured to process the other antenna system command to generate the antenna system response (Figs. 1-5; Col. 2, lines 27-41; Col. 3, line 19- Col. 4, line 44; Col. 5, lines 22-33; wherein the antenna system command indicates a request for the first position of the first antenna, and the antenna system response indicates the first position of the first antenna).

Re claims 4 and 5, as applied to claim 1 above, Singer further discloses a second communication interface (i.e., interface 503) configured to transfer the antenna system command to the communication network for delivery to the first communication interface (i.e., modem/interface 505) and wherein the antenna system is configured to detect an antenna system condition (i.e., via sensor 30), and in response to the antenna system condition, to generate the antenna system command transferred by the second communication interface (i.e., interface 503) (Figs. 1, 2, 4, 5; Col. 4, line 45- Col. 5, line 5).

Re claim 6, as applied to claim 1 above, Singer further discloses further comprising a second antenna (i.e., another antenna 10) and wherein the second position (i.e., at least one of the position from the multiple position stored in memory) allows the

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first antenna (i.e., antenna 10) to operate as a back-up to the second antenna (i.e., another antenna 10) (Fig. 1; Col. 7, line 42- Col. 8, line 2).

Re claim 7, as applied o claim 1 above, Singer further discloses the second position (i.e., multiple position stored in memory) allows the first antenna (10) to compensate for signal loss (i.e., optimal coverage) (Col. 7, line 42- Col. 8, line 2).

Re claim 8, as applied o claim 1 above, Singer further discloses the first communication interface is configured to successfully collect a password before the first antenna is allowed to move in response to the antenna system command (i.e., modem/interface 505) (Col. 6, line 65- Col. 7, line 19).

Re claim 9, as applied o claim 1 above, Singer further discloses line protection units (i.e., sensor 30) coupled between the motor (i.e., antenna controller 40 including motor or driver assembly 20) and the controller (i.e., micro-controller 501 included in main controller 50) (Figs. 1, 2; Col. 4, line 45- Col. 5, line 5).

Re claim 10, as applied o claim 1 above, Singer further discloses the first antenna (10) is configured for broadband wireless communication (Fig. 1; Col. 3, line 19- Col. 4, line 6).

Re claims 11-20; given the antenna system as discussed above in claims 1-10, the method of operating an antenna system as claimed in claim 11 is inevitable.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thomas (US 6,697,642); Solondz (US 6,667,714); and Hopwood et al. (US 4,749,995); also teach similar inventive subject matter.

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Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ephrem Alemu whose telephone number is (571) 272-1818. The examiner can normally be reached on M-F Flex hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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EA
11-04-04